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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 PM-05 NSC-05 SP-02 SS-15 L-03
CIAE-00 DODE-00 INR-07 NSAE-00 PA-01 USIA-06
PRS-01 /058 W
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R 161536Z JAN 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2068
INFO AMCONSUL EDINBURGH
AMCONSUL BELFAST

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E.O. 11652: N/A
TAGS: PINT, PGOV, PDEV, UK
SUBJECT: DEVOLUTION: FALL OF GUILLOTINE MARKS PROGRESS

REF: LONDON 18931 (77)

SUMMARY -- THE SCOTLAND BILL,WHICH WOULD PROVIDE A DEVOLVED GOVERNMENT FOR THE SCOTS, HAS BEEN PROGRESSING STEADILY THROUGH COMMONS, ITS ADVANCE PUNCTUATED BY THE REGULAR FALL OF THE TIMETABLE GUILLOTINE WHICH CUTS OFF DEBATE ON EACH CLAUSE AT THE CONCLUSION OF THE PERIOD FIXED FOR ITS DISCUSSION. CONSIDERATION OF THE BILL IS NEARLY TWO-THIRDS COMPLETE, AND ONCE IT IS SENT TO THE HOUSE OF LORDS FOR FURTHER CONSIDERATION THE WALES BILL

.
WILL FOLLOW THE SAME PATH. THERE ARE, HOWEVER, SIGNS OF GROWING CONCERN AMONG PARLIAMENTARIANS THAT THESE IMPORTANT CONSTITUTIONAL BILLS ARE NOT BEING FULLY EXAMINED. THERE IS A GOOD CHANCE THAT THE LORDS WILL SEEK TO EXPLOIT THIS SENTIMENT TO DELAY AND AMEND THE DEVOLUTION BILLS, AND THAT COULD UPSET THE GOVERNMENT'S
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SCHEDULE FOR THEIR ENACTMENT. BUT THE PEERS CAN ONLY DELAY THIS LEGISLATION, AND AT THIS POINT WE DOUBT WHETHER THEY WILL EXERCISE THE FULL EXTENT OF THEIR DELAYING POWER, FORCING THE GOVERNMENT TO INVOKE THE PARLIAMENT ACT TO GET THE DEVOLUTION BILLS ON THE STATUTE BOOK. -- END SUMMARY

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1. HOUSE OF COMMONS CONSIDERATION OF THE SCOTLAND BILL, WHICH WOULD ESTABLISH DEVOLVED GOVERNMENT IN THE FORM OF AN ELECTED ASSEMBLY IN THAT HISTORIC NATION, IS PROCEEDING ACCORDING TO SCHEDULE. AS OF JANUARY 15, 61 OF 83 CLAUSES OF THE BILL HAD BEEN CONSIDERED IN COMMITTEE, ALL SAVE ONE HAVING BEEN APPROVED BY COMFORTABLE OR OVERWHELMING GOVERNMENT MAJORITIES. THE FIRST CLAUSE, WHICH AFFIRMED THAT THE BILL WOULD NOT AFFECT THE BASIC UNITY OF THE UK, WAS DEFEATED WHEN THE SCOTTISH NATIONAL PARTY MPS JOINED THE TORIES AND CAUGH THE GOVERNMENT WHIPS OFF GUARD. THE LOSS WAS EMBARRASSING, BUT NOT PARTICULARLY SIGNIFICANT TO THE BILL. IT IS NOT YET CLEAR WHETHER THE GOVERNMENT WILL SEEK TO REINSERT THE FALLEN CLAUSE AT A LATER STAGE.

2. PROGRESS ON THE SCOTLAND BILL, HOWEVER, HAS BEEN MARKED BY TEDIOUS AND OFTEN TANGENTIAL DEBATE FROM OPPONENTS OF DEVOLUTION, AND IS COMPLETELY DEPENDENT ON THE FORCE OF THE EARLIER TIMETABLE MOTION (REFTEL). AS THE TIME ALLOCATED FOR EACH CLAUSE RUNS OUT, DEBATE IS CUT OFF AND THE VOTE TAKEN -- THE PARLIAMENTARY "GUILLOTINE" HAS BEEN FALLING METHODICALLY, PUSHING THE BILL FORWARD. ALTHOUGH THE TIME ORIGINALLY SCHEDULED FOR DEBATE SEEMED REASONABLE, THE DELAYING TACTICS OF ITS OPPONENTS HAVE PREVENTED FULL EXAMINATION OF MANY ASPECTS OF THE BILL, GIVING RISE TO
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CONSIDERABLE UNEASE AMONG BACKBENCHERS ON BOTH SIDES OF THE AISLE, NOT ALL OF WHOM ARE ANTI-DEVOLUTIONISTS.

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3. THEIR CONCERN IS NO SECRET -- INDEED, THE MEDIA HAVE PAID IT CONSIDERABLE ATTENTION, PARTICULARLY IN THE ABSENCE OF OTHER EYE-CATCHING PARLIAMENTARY NEWS. WHILE THIS CONCERN IS UNLIKELY TO DEVELOP INTO A BACKBENCH REBELLION, IT MAY AFFECT ATTITUDES IN THE HOUSE OF LORDS WHERE THERE IS ONLY LIMITED SYMPATHY FOR DEVOLUTION AND EVEN LESS FOR THE GOVERNMENT'S SPECIFIC PROPOSALS. UNTIL NOW THE GOVERNMENT HAS BELIEVED THAT THE PROVISIONS FOR SUBMITTING BOTH BILLS TO REFERENDA WOULD DISSUADE THE PEERS FROM SERIOUSLY
/ CHALLENGING OR DELAYING THE BILLS AS THEY EMERGE FROM COMMONS. THIS BELIEF IS BASED ON THE ASSUMPTION THAT THEIR LORDSHIPS WOULD NOT WISH TO PRE-EMPT A POPULAR TEST. BUT THE GROWING DISQUIET AMONG MPS CALLS THIS THEORY INTO QUESTION. GIVEN THE EXISTING SITUATION, THE LORDS MIGHT BE TEMPTED TO AMEND AND DELAY THE BILL, DEFENDING THIS ACTION ON THE GROUNDS THAT CURTAILMENT OF DEBATE PREVENTED ADEQUATE EXAMINATION OF THE BILLS. OUR GUESS IS THAT THEY WILL TRY.
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4. WE DOUBT, HOWEVER, WHETHER THE LORDS WILL GO ALL THE WAY, FORCING THE GOVERNMENT TO INVOKE THE PARLIAMENT ACT. RATHER, WE SUSPECT THEY WILL ACT SLOWLY, APPROVE A NUMBER OF AMENDMENTS AND RETURN THE BILL TO COMMONS. AT THIS POINT, WE CANNOT SAY WHETHER THE GOVERNMENT WILL BE ABLE TO COUNT ON ENOUGH VOTES TO OVERRIDE ALL THE AMENDMENTS THE LORDS MAY APPROVE -- INDEED, THE ANSWER WILL DEPEND ON THE NATURE OF THE AMENDMENTS -- BUT IT SEEMS UNLIKELY THAT THE PEERS WILL BE ALLOWED TO WRECK THE BILLS. ON THE SECOND TIME AROUND THEY WILL PROBABLY ACQUIESCE TO THE WILL OF COMMONS. BUT IN ANY EVENT, IT NOW SEEMS LIKELY THAT THE LORDS WILL DELAY FINAL APPROVAL OF DEVOLUTION LEGISLATION, AND THIS COULD COMPLICATE CALLAGHAN'S GENERAL ELECTION PLANS.

BREWSTER

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